

# CHURCH AND STATE

## A MONTHLY REVIEW



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MAY 1961

### Appeal Vermont Decision

Three parents of children attending Catholic high schools in Vermont, backed by the Roman Catholic Church, have petitioned the Supreme Court to review and reverse the ruling by Vermont's Supreme Court that the payment of local tax funds for tuition in Catholic high schools is unconstitutional.

Paul Butler, former chairman of the Democratic National Committee, has been retained as chief counsel in the attempt to persuade the Supreme Court to reverse the Vermont ruling. Although the chief attorney for



Paul Butler

C. Raymond Swart, who originally brought the case, has now become Governor F. Ray Keyser, Jr., of Vermont, and will therefore not be available, his law firm will meet the Butler challenge. The Vermont court's rulings will be defended, if necessary, in the United States Supreme Court.

Mr. Butler and his associated attorneys in filing a petition in the United States Supreme Court late in March made President Kennedy's stand in favor of the separation of church and state a direct issue in the case. The Vermont Court had ruled that the First Amendment of the United States Constitution definitely prohibits tuition grants for sectarian education. The Butler petition argued that: "If the holding of the Vermont Supreme Court is permitted to stand," the mistaken conclusion will be reached that "any form of direct payment of public funds to a sectarian school violates the First Amendment." The petition charged that this "misconception of applicable law may be frozen into the pattern of

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### Bishops Drive for Parochial School Loans; Seek Major Break in Wall of Separation

An all-out drive by the Roman Catholic bishops of the United States to secure Federal aid for their denominational schools has given this country its first close-up view of clericalism. (Clericalism is the use of spiritual authority to attain political ends).

It started on January 17 when Cardinal Spellman denounced President Kennedy's proposals for school aid as "unfair" and "discriminatory" because Catholic schools were not included. After a hurry-up meeting in March, Archbishop Karl J. Alter, speaking for all Catholic bishops, said that if Catholic schools were denied some form of aid Catholic Action would seek to defeat all Federal aid to elementary education. His words: "In the event that a Federal aid program is enacted which excludes children in private (parochial) schools, those children will be the victims of discriminatory legislation. There will be no alternative but to oppose such discrimination."

#### National Council Representative Opposes Church School Loans

Dr. Gerald E. Knoff, Executive Secretary of the Division of Christian Education of the National Council of Churches, testified on March 16th before the House Subcommittee on Education that "I am very sure that a great majority of this governing body of the National Council of Churches would be opposed to loans for parochial school construction, deeming such loans to be an outright departure from long cherished principles of separation of church and state. This majority sentiment would be in hearty agreement with the positions of the President of the United States and the Secretary of Health, Education and Welfare."

Dr. Knoff added:

Nothing is more clear than the likelihood that if substantial grants or loans to church related elementary and secondary schools were made possible, many religious denominations would come to the conclusion that they too should step forward to the public treasury and claim what they would consider their share of federal funds.

If this should happen we believe that our American democracy would be impaired by the increasing fragmentation of education with its inevitable result of cultural segregation. Public schools would be undermined and a cultural schism would develop which would tend to impair our democracy.

The denominations of the National Council of Churches do not believe that such a development would be for the good of our beloved America, no matter what church or synagogue our people worship in and no matter what schools their children attend from Monday morning to Friday afternoon.

The Roman Catholic diocesan press unanimously supported the bishops. Despite previous talk of "differing Catholic views" on the subject, no prelate opposed public aid for Catholic schools. Nor did any Catholic layman of stature. Msgr. Frederick G. Hochwalt explained to a Congressional Committee on March 16 that the bishops' moral pronouncement on the subject had established Catholic policy, although he admitted under questioning that Catholic congressmen had some freedom of conscience in the matter. It was agreed that the first objective to be sought would be long term, low interest rate loans for construction of parochial schools.

Then the political maneuvering began. The Catholic lobby was determined to attach parochial school aid as a rider to the general Federal aid bill. (This has been the strategy outlined in the memo of the Catholic school administrators prepared for the Catholic lobby in 1959 and published by POAU.) Questioned as to whether the bishops would insist on Catholic aid's being in the main bill

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• Editorials •

## Two Great Triumphs

Although POAU is now involved in the greatest fight of its career against federal aid to parochial schools, we think it is appropriate to pause a moment at the height of the battle to mention two great triumphs for our principles which have gladdened our hearts.

First, virtually every major Protestant and Jewish organization in the United States has come out publicly against the Catholic demand for federal aid, including both loans and grants. Such unanimity has not been known since 1951 when POAU led the victorious struggle against the appointment of a Vatican ambassador.

Although the fight has just begun, we are grateful and happy that the forces of American Protestantism, American Judaism, and the unchurched are now standing together for a policy which POAU has so long advocated. This is a triumph for all of us as Americans. It augurs well for the long struggle that lies ahead to preserve the wall of separation between church and state.

Second, the government itself has published a magnificent legal memorandum backing up to the hilt the view of the Constitution which has been supported in its essentials for the last 13 years by POAU. That legal memorandum, published by the Department of Health, Education and Welfare, says flatly that across-the-board federal grants or loans to sectarian schools are unconstitutional, and it reminds every member of Congress of his sacred duty to observe the Constitution. (We print a large section of the memorandum elsewhere in this issue.)

Of course, we disagree with some features of the college aid program of this Administration as supported by the HEW memorandum. We intend to oppose those features because they create some unfortunate precedents, but, meanwhile, we are grateful to this administration and its legal leaders for producing a courageous and scholarly refutation of Catholic distortions of the Constitution.

For thirteen years, since the famous Everson bus decision of 1948 and the Catholic denunciations of the Supreme Court which began at that

time, Jesuit legal "scholars" have been attempting to twist the Constitution and the Supreme Court's interpretations of the Constitution to their own purposes. Now, ironically enough under the first President of the Roman Catholic faith, these clerical manipulators of the Constitution have been put in their place.

POAU's interpretation of the Constitution is not merely POAU's interpretation of the Constitution. It is also the settled view of the government of the United States!

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## Do They Need The Money?

The spectacle of the hierarchy of the mighty Roman Catholic Church pleading poverty is one to give us pause. This church is, by its own oft-repeated admission, the largest and wealthiest of all Christian bodies. It is literally richer than Croesus.

The Roman Church has assets so vast that it has never dared to make a public report of them. An internationally known firm specializing in financial analyses recently concluded a survey of this church. It commended the church for expert financial management but criticized it for refusing to provide any accounting to its many millions of contributors.

This is the organization which now comes pleading that it must have Federal grants or credit if it is to carry on.

The substantial amounts contributed by the Catholic faithful in the United States to the Vatican have often occasioned comment. Some of these outlays go for the support of the anachronistic pomp of the papal court and for the maintenance of its political embassies in forty-two countries. Why not retain some of this huge outlay for construction of parochial schools in the United States?

The credit rating for the Buffalo diocese provides financial information about the Roman Church which is rarely disclosed. The church's assets in this one diocese alone are placed at \$236,000,000. Its average gross income is \$24½ million. Taking the Buffalo membership of 860,000 in ratio with the claimed total American membership of 40 million, a total national wealth close to \$11 billion is indicated.

When one adds to this the income producing potential of the 40 mil-

lion contributors of Roman Catholic faith, we are confronted with a financial power that can be discussed in the same breath with the United States government itself.

This is the organization which claims to stand in desperate need of government aid.

### Let the Knights Help

A recent annual report of the Knights of Columbus showed that this organization had nearly \$163 million in assets. Could not this sum be made available for construction of Catholic schools? The Knights recently declared: "It is our proud boast that over the years the Order has invested more than \$400,000,000 in Catholic church and Catholic institutional loans, and has never lost one penny of interest or principal."

President Kennedy has pointed out that of the loans already available to provide scientific equipment and remodeling for parochial schools the Roman Catholic Church has applied for only 10% of the amount available. Yet its bishops now assert that it needs loan funds many times greater than the unused amount.

Why does the hierarchy insist on Federal aid to its denominational schools? We think we know the reason. And that reason is not financial need.

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### Church and State

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CHURCH AND STATE

## NEWS From Far and Near

◆ An international congress of Christian Democratic Parties (Catholic) will be held in Santiago, Chile next July. Francis E. McMahon, writing in the Jesuit magazine "America" declares: "It is a chronic scandal that the United States has never been represented at these meetings."

◆ Outbreaks of violence in the Portuguese colony of Angola have threatened the dominant Catholic Church of Portugal and also some Protestant missions supported by American contributors. Under the Vatican's 1940 concordat with Portugal, tax funds are used to pay the salaries of Catholic missionary priests. Protestant missions are discriminated against in many ways.

◆ In Brisbane, Australia, according to "Protestant Action," a Roman Catholic educator, Fr. Venignus O'Donnell was widely quoted in an attack on the public schools which asserted that these institutions were training children to be "wicked and impious" and that they "mutilate man, body and soul." The Queensland Education Minister Mr. Pizzey called the priest's remarks "an insult to parents" and challenged him "to prove there is a greater percentage of delinquents" among products of the public schools than among those of the Catholic schools.

◆ Luis Ferre, Republican national committeeman from Puerto Rico, has visited Cardinal Spellman in an effort to end church interference in Puerto Rican politics. He said he told the Cardinal that the church's continuing support of the so-called "Christian Action" Catholic party was "most unwise and contrary to American tradition." Cardinal Spellman had no comment.

◆ Loud proposals to make Ireland the 51st state in the Union were heard from Hamilton Tanney, a Pittsburgh businessman who went to Dublin to promote the cause. Mr. Tanney was urging an Irish referendum on the subject but seemed to have no information as to the attitude of the United States government.

◆ The blessing and dedication of a sacred statue of Our Lady of Loreto, patron saint of the Air Force, took place at Cherry Point Marine Air Station, according to *Navy Times*. The rites were performed by two chaplains attached to the base. The statue, bearing a model of the A4D Skyhawk, was selected from a number of competitive designs.

◆ An organization of liberal Catholic priests in Spain has bitterly protested against the great "scandal" of the censoring of the World Congress of the Catholic Press held recently in Santander, Spain. American priests at that Congress gave ringing speeches in behalf of freedom of the press but the Spanish Church and Franco united in suppressing the news of such appeals in the censored newspapers.

◆ Bishops of Sweden's established Lutheran Church have petitioned the king for the right to refuse to perform marriages for divorced persons at their own discretion. The clergy are presently required by the government to marry any couple having a civil license, regardless of previous marital status.

◆ Italian government censorship which protects Catholic faith under special statutes has resulted in the banning of the drama "Luther" at the Spoleto, Italy festival. Simultaneously, the world's leading Jesuit magazine "Civiltà Cattolica," published in Rome, has advocated stronger curbs on the freedom of the press in Italy.

◆ The Roman Catholic Archbishop of Dublin has again ruled that no Catholic in Ireland may attend Trinity College without his permission, nor may parents give their consent to such attendance without committing sin. Trinity College is a private institution founded by Protestants. No corresponding ban is imposed upon the Irish National universities since Catholicism is the state religion.

◆ A Jewish writer from Poland, Simon Wiesenthal, has charged that Adolf Eichmann, infamous Nazi murderer of millions of Jews, was aided in his escape by the Vatican. Bishop Luigi Hudal of the Holy Office has denied any knowledge that Eichmann was among those saved by the church from death in 1945, although he has conceded that Eichmann might have been one of the refugees. He declared that "my duty as a Christian, in those confused years, was to save anyone who could be saved."

## Rockefeller Plan Is Adopted

In spite of a determined campaign against it by POAU leaders, Governor Rockefeller's "scholarship incentive" plan for private colleges was adopted by large majorities in both Houses of the New York legislature. The Governor's approval was expected momentarily as this went to press. In the final stages there was virtually no debate of the church-state issue.

The Governor's original plan had been modified and improved but, as the *New York Times* pointed out in a powerful editorial, the passage of the bill was "a political victory for the governor but a set-back for those who believe as we do in the absolute separation of church and state in accordance with the New York State Constitution." The *Times* also said that "it appears to us to be more a measure in aid of private colleges than in aid of private students . . . its effect is to extend by indirect means state aid to church-connected colleges in specific violation of the Constitution."

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## Senator George R. Metcalf Opposes Public Aid to Church Colleges

Below are significant quotations from the widely publicized speech of State Sen. George R. Metcalf in March in the New York State Legislature, opposing Gov. Rockefeller's proposals for indirect aid to church colleges in that state.

Were the founding fathers who wrote the United States Constitution and the authors of our own state constitution foolishly adamant against the granting of public monies to non-public institutions? Were they blind, were they bigoted. . . ?

In my opinion, they were neither; they were the descendants of a European culture which denied religious freedom through a close alliance of church and state. They understood . . . that if they were to create a new society with freedom for all, they had to separate the two. . . . If we were to permit through one subterfuge or another the gradual joining of these forces—the church and the state—one would most certainly become the hand maiden of the other. In this unhappy partnership, the freedom we have known would undeniably darken and tarnish.

Let us look for a moment at what is happening. There are some who, wishing to avoid the issue, prefer to brush it under the rug. . . . But there is no rug large enough to hide it. Whatever is done this year will be the prelude to further demands next year and the year after. If the principle is established this year of providing tuition grants in the disguise of a scholarship program, then the gates can be pried open for ever larger contributions in years to come. . . ."



A bill has been introduced in the Vermont legislature to repeal the state's Sunday laws. Vermont law at present bans "secular activities" but the law has been interpreted to permit the sale of Sunday newspapers, smoking supplies, gasoline, prescription drugs and some types of food. Pressure for modification comes partly from ski resorts which do a large transient, weekend business.

\* \* \*

In spite of the strong, public opposition of Catholic bishop Ernest J. Primeau of Manchester, N.H., the New Hampshire legislature recently passed a bill, supported by the State Medical Association, allowing therapeutic abortion in some cases to save the life of a mother. In commenting on the law the Jesuit magazine *America* said that "the barbaric destruction of foetal life in order to save the mother's life has been rightly called 'negative medicine at its worst.'" Governor Powell killed the bill with his veto.

\* \* \*

William Moyer, a real estate salesman has been remanded to trial in Warren, Michigan on a charge of distributing fraudulent handbills in an election campaign. Eight Protestants whose election was urged in the bills have filed an \$800,000 libel suit against Mr. Moyer as well. They charge a "bigotry in reverse" plot designed to turn the Catholic vote against them.

\* \* \*

A mathematics professor at the University of Virginia, Dr. E. J. Oglesby, has stated that in his view it was a "violation of the First Amendment" to deny church schools the scholarship grants under Virginia's plan of aid to pupils in private schools.

\* \* \*

The archdiocese of Newark, N.J., has announced plans to take over for a Roman Catholic high school land presently designated for public school expansion. Msgr. Charles B. Murphy declared that the Catholic operation would save the city \$176,900 per year.

\* \* \*

Michigan's attorney general, Paul L. Adams, has provided an opinion

## American Catholic Representative Defeats American Policy at UN

*The Washington Star* and Federal Narcotics Commissioner Harry J. Anslinger have revealed how a Vatican delegation at the United Nations conference on narcotic drugs, headed by an American citizen, defeated an American program for narcotic controls. The Vatican delegation to this UN conference was headed by Msgr. Timothy J. Flynn, an official of the archdiocese of New York who, while serving as an American citizen also served as a representative of the Vatican.

The double loyalty episode occurred late in March when a resolution favoring commitment of drug addicts to civil hospitals was defeated by a vote of 10 to 7 with 21 abstentions. After 70 nations had considered the proposed reform for 9 weeks, the American delegation, headed by Mr. Anslinger, believed that a satisfactory solution would be reached, but Vatican opposition defeated American proposals. Concerning the defeat, Mr. Anslinger said:

This should never have happened. It runs contrary to everything that has been decided in relation to treatment of drug ad-

dition put into the convention after 12 years of consideration, year after year, by the United Nations Commission on narcotic drugs.

There was no indication from the Holy See delegates when the basic document was submitted to them that they would oppose it. They sat for 9 weeks and never uttered a word until this came up. We could have rallied support but we did not know we needed it.

It is believed that Vatican influence on Latin American countries which are nominally Catholic swung the balance against the proposed reform. Msgr. Flynn declared: "There comes to mind in the case of this resolution a question whether civil commitment—in the case of an addict without a criminal record, where there is no criminal relevance—does not involve a possible violation of human rights."

Msgr. Flynn's opposition is consistent with the Catholic policy concerning sterilization of the feeble minded, which the Catholic Church always opposes except as a penalty for a crime. It is also assumed that Catholic opposition is partly explained by Catholic fear that church members might be committed to non-Catholic institutions.

Under present American law it is legal for an American citizen to serve a foreign political entity, the Vatican, even in opposing a policy of his own country if he is not required to take an oath of allegiance to the foreign entity. No such oath of allegiance is required for an American to represent the Vatican on a subsidiary UN commission.

Paul Blanshard, special counsel of POAU, commenting upon the Anslinger statement, declared: "This defeat of an intelligent narcotics program by an American representing the Vatican is a perfect illustration of the double loyalty dilemma which occurs when an American citizen serves the Vatican in a political capacity. Americans at the UN should represent the United States."

that the Bible teaching program conducted in public schools in the southern part of the state is in violation of both the state and federal constitutions. The ruling was expected to terminate the program of the Rural Bible Mission, Inc. of Kalamazoo, a group that has carried on the illegal program for years.

\* \* \*

A bill in the Pennsylvania legislature proposes to exempt any parochial or private school or any rabbi or priest from the fee charged for certificate or title or registration of a school bus.

\* \* \*

House Bill 326 in the Washington State legislature would provide \$100 per month in public funds as a "tuition grant" for each handicapped person enrolled in a parochial or private school.

\* \* \*

At a meeting to promote good relations between the public schools of Pelham, N.H. and the new parochial elementary school there, the public school board agreed to provide transportation at public cost to the church school.

\* \* \*

A bill in the Pennsylvania legislature prohibits public schools from inquiring into a student's race, religion or color. Church schools would still be permitted to obtain this information.

# POAU Representatives Appear At Hearings on School Aid



L. to r., Dr. Gerald E. Knoff, National Council of Churches, Paul Blanshard, POAU special counsel, and Methodist Bishop John Wesley Lord, vice president of the National Council of Churches.

Muse Photo Bureau

C. Stanley Lowell, associate director of POAU and Paul Blanshard, special counsel, presented the organization's position on the church-state aspects of school aid legislation at committee hearings of the Senate and House in March.

"Our position is simple and unequivocal," Mr. Lowell told a Senate Committee headed by Sen. Wayne Morse (D., Ore.). "We oppose all direct aid to church schools and colleges, whether they are Protestant, Roman Catholic or Jewish. We are well aware that proposals for aid to church schools are being pressed by the bishops of the Roman Catholic Church which operates more than 90% of the sectarian schools at the elementary and secondary levels, and by Rep. John W. McCormack, the majority leader of the House." Mr. Lowell pointed out that "the language employed by Cardinal Spellman implies a program which envisages the ultimate transfer of the entire expense of these denominational schools to the American taxpayer."

Mr. Blanshard appeared before a House subcommittee headed by Rep. Frank Thompson (D., N.J.).

Pointing to the likelihood of fragmenting the school system if grants or loans were made to church schools, Mr. Blanshard said: "For us the open, religiously desegregated public school is the best foundation for a

free society. . . . We do believe that this is the moment for all Americans who believe in the Constitution to stand up and be counted in supporting President Kennedy against all sectarian demands."

Mr. Blanshard denied that if Congress should provide aid for public schools only this would be "discrimination" against Roman Catholics. "If all the people should be taxed to support the religion of 20% of the people, would we not be discriminating against the 80% of the people who do not accept the particular creed so endowed?" he asked.

## Aid to Church Colleges

In his statement to another subcommittee of the House of which Edith Green (D., Ore.) is chairman, Mr. Lowell voiced strong criticism of the administration's proposals for Federal aid to higher education. (These proposals are embodied in a separate bill, HR5266 and S1241). Across-the-board loans for practically any kind of building the church college might want to erect drew his fire. He called such a loan program "manifestly unconstitutional." He warned that the college aid bill with its undesirable and unconstitutional provisions for aid to church colleges was slipping quietly through Congress while public attention was centered on the elementary school aid issue.

Mr. Lowell strongly attacked "cost of education allowances" in connection with scholarship grants as called for in the legislation. He pointed to the fact that, like the Rockefeller program of college aid in New York, the Federal proposals could be used as a conduit to channel public funds to church colleges.

The POAU witness pointed up the grave responsibility of Congress itself in considering a program of aid to church colleges which might well be unconstitutional. He warned that because of *Massachusetts v. Mellon* and other court decisions it might be impossible to secure a test before the Supreme Court of the United States in regard to such legislation. Such legislation might continue as law because the taxpayer would be denied preventive remedy in the courts. "Constitutionality is as valid a consideration for the Congress as for the courts," he said.

Mr. Lowell recommended that all students preparing for the ministries of religion should be excluded from scholarships or fellowships "since it is not in the province of government to finance training of ministers and priests."



## Quote of the Month

"Whether it's Eisenhower or Kennedy in the White House, they trample on your rights as American citizens when they fail to include your children in their proposals to finance school buildings and the payment of school teachers. If I were the Bishop of Manchester, I would close the Catholic schools of New Hampshire for five years. I would throw back into the laps of the Board of Education in the state and the communities all those children who are now being taught in Catholic schools."

—Father William A. Dolan, priest at St. Joseph's Church, Salem, N.H., at masses Feb. 26, 1961. Quoted in Lawrence (Mass.) Eagle Tribune, Feb. 27.

## POAU on Federal Aid

Statements of Paul Blanshard and C. Stanley Lowell to Congressional Committees on proposed aid for church schools and colleges. Three key statements all for \$1.

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# Government Declares Both Loans and Grants To Sectarian Schools Are Unconstitutional

In a 63-page memorandum made public on March 29th, the United States Government, as represented by the Department of Health, Education and Welfare in consultation with the Justice Department, declared that all across-the-board grants or loans to sectarian schools violate the Constitution.

The long-awaited memorandum supports completely the constitutional position taken for many years by POAU, in respect to elementary and secondary schools.

The memorandum was commended as "accurate and scholarly" by Glenn L. Archer, Executive Director of POAU in a public statement, although Mr. Archer expressed some reservations concerning possible aid to church colleges in the Administration proposals. "We hope," said the Archer statement, "that the clear pronouncement made here will lay to rest the unsupported opinion that the framers of the First Amendment meant only to bar a single establishment of religion but not a plural establishment. This memorandum points up the moral responsibility of every member of Congress to oppose both sectarian loans as well as grants."

The government in preparing its case against loans and grants relied heavily upon the famous paragraph from the *Everson*, New Jersey, bus case of 1947 in which the Supreme Court said:

The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against the establishment of religion by law was intended to erect "a wall of separation between Church and State."

## The Swart Case

The Government's memorandum, citing a long list of legal authorities for its position, relied in part upon the case of *Swart v. South Burlington* in which the Supreme Court of Vermont recently voted unanimously that a township could not use public money to pay tuition for students in a parochial high school even when it had no high school of its own. In that Vermont case the State Supreme Court said that "the same fundamental law which protects the liberty of a parent to reject the public system in the interests of his child's spiritual welfare enjoins the state from participating in the religious education he has selected."

The following quotations, taken directly from the Government's memorandum, summarize the essence of its findings:

"The Supreme Court has ruled that the first amendment to the Constitution forbids the use of public funds to 'support religious institutions' or 'finance religious groups.' . . ."

"Across-the-board grants to church schools are equally invalid. A loan represents a grant of credit. When made at a rate of interest below what is normally available to the borrower, it also constitutes a grant of the interest payments which are saved. These benefits plainly have the purpose of providing financial advantage or convenience to the recipient. And like the broad grant, the across-the-board loan would inevitably facilitate religious instruction.

"The Supreme Court has ruled that the first amendment forbids the lending of a public classroom for religious instruction during released time (*McCullum v. Board of Education*, 333 U.S. 203). The lending of public property and the lending of public credit are constitutionally equivalent forms of government assistance. In *Zorach v. Clauson*, 342 U.S. 306, the Supreme Court stated, 'Government may not finance religious groups.'

"Tuition payments for all church school pupils are invalid since they accomplish by indirection what grants do directly. The form of governmental assistance is not controlling. Since tuition payments, whether made to the school or to the parent or student, would constitute support of church schools, they are prohibited by the first amendment. State courts have followed the statements of the *Everson* case to invalidate tuition proposals, since such a

practice 'compels taxpayers to contribute money for the propagation of religious opinions which they may not believe' (*Almond v. Day*, 197 Va. 419, 89 S.E. 2d 851; *Swart v. South Burlington Town School Districts*, 167 A. 2d 514).

## Permissible Area

"The permissible area of legislation which renders incidental benefits to church schools is not clear. The *Everson* case illustrates the closeness of the question. In upholding bus transportation, a form of assistance in no way connected with the religious function of a church school, the Court divided by 5 to 4. The majority opinion suggested that the statute in question 'approaches the verge' of impermissible action under the first amendment (330 U.S., at 16). Nonetheless, bus transportation has been ruled valid, and other collateral benefits like provision of milk and lunches appear equally constitutional, since the benefit is plainly to the health of the child and not to the school itself. . . .

"In what other directions this principle of special purpose loans may be extended is difficult to ascertain. Typically secular and sectarian education is so interwoven in church schools as to thwart most possibilities."

". . . The difficulties of obtaining a court test of legislation in this area impose a solemn responsibility upon both Congress and the Executive to be especially conscientious in studying the Constitution and relevant Supreme Court decisions so that any enactment will scrupulously observe constitutional limitations."

". . . To summarize, the broad principles are clear enough in the light of recent decisions. The first amendment does not require government to be hostile to religion, nor does it permit governmental discrimination against religious activities. The objective is neutrality, however difficult it may be to be neutral or to determine what neutrality requires in relation to particular factual situations. . . .

## No Official Aid for Religion

"The Supreme Court has made it absolutely clear that public funds and public property may not be used for the purpose of assisting any or all re-

(Continued on page 7)

## Grants Unconstitutional

(Continued from page 6)

ligions. In the *Everson* and *McCullum* cases, it has unequivocally rejected the historical argument, whatever its merits, that the establishment clause merely forbids State favoritism among religions. . . .

"The clearest case is 'across the board' aid, which necessarily includes items of aid that are closely related to the religious function. No separation is even attempted, and therefore general State grants to sectarian education would seem to be plainly prohibited. Public schools have already been constitutionally prohibited from providing classrooms for religious instruction during released time at no measurable cost to the public purse. *A fortiori* the Government is prohibited from granting funds to sectarian schools which would, directly or indirectly, serve the same prohibited use. . . .

"A loan confers economic benefit of less degree but not of a different quality than a grant. A loan represents a grant of credit. When made at a rate of interest below what is normally available to the borrower, it also constitutes a grant of credit. When made at a rate of interest below what is normally available to the borrower, it also constitutes a grant of the interest payments which are saved. Whatever the interest rate, the lending of credit can be analogized to the lending of a classroom proscribed in the *McCullum* case. While the *Everson* case did talk about the expenditure of tax moneys as constituting the proscribed conduct, *McCullum* did not involve any expenditure, and, therefore, is closer to the loan situation. The lending of public property and the lending of public credit seem indistinguishable as forms of governmental assistance. And in the *Zorach* case, Justice Douglas, speaking for the majority, expressly stated: "Government may not finance religious groups . . ." (343 U.S., at 314).

### TIMELY READING

"Shall the State Subsidize Church Schools"

by C. Stanley Lowell

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EDUCATION BILL WHICH LEAVES OUT YOUR CHILDREN!

WRITE OR WIRE **TODAY** TO YOUR CONGRESSMEN  
(CALL LIBRARY OR NEWSPAPER FOR NAMES)

#### SAMPLE MESSAGE

Dear Congressman: I strongly object to Senate Bill 1021 (or HR 4970) because it discriminates against my children who attend independent, constitutionally-approved schools. I am a taxpaying parent and my children are American citizens too.

THIS IS AN EMERGENCY — DO IT NOW! GET OTHERS TO  
WRITE ALSO.

*D. L. La Driere* President  
Citizens for Educational Freedom

Facsimile of post card marked "Emergency" sent to members of Citizens for Educational Freedom, a predominantly Roman Catholic group, to be signed by the individual.



—Long, in the Minneapolis Sunday Tribune

## Are Catholics Unanimous?

How united are Roman Catholics in supporting the "moral position" announced by the bishops, that long-term, low-interest loans for construction of Roman Catholic schools must be included in any program of Federal aid to public schools? Apparently not so united as the bishops could wish.

The National Catholic Welfare Conference in Washington has admitted receiving many letters critical of the bishops' position. Msgr. Frederick G. Hochwalt said ruefully that his own mother "called me from Dayton (Ohio) and told me to . . . quit picking on the President."

In Chicago Msgr. William E. McManus, an old advocate of public subsidies for Catholic schools, has encountered a similar lack of cooperation on the part of some in the Catholic community. He reports that he has "learned with dismay that some Catholics do not approve of asking or accepting any aid from the government. Some people . . . seem to think it rather vulgar for the church to flex her muscles in public," he added. "Other Catholics think it is a dreadful blunder" for Catholics to oppose the policies of the nation's first Roman Catholic President.

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## "Life" Shows Its Colors

Did you read the editorial "School and Religion" in *Life*, March 17? We hope you did because in it *Life* showed its colors. This publication with its 6 million circulation took the straight Roman Catholic line on school aid and frankly deserted the American tradition of church-state separation.

Why don't you write a letter to Mr. Henry Luce, the son of Protestant missionaries, and give him *your* opinion of what in *our* opinion is one of the most evasive and dishonest attacks on the Constitution ever put in print?

## Bishops Drive

(Continued from page 1)

and not in a separate bill, Msgr. Hochwalt, stood adamant. If the bishops had their way there would be no aid to public schools unless Catholic schools were included. He said that the bishops opposed a separate bill for sectarian aid because they thought it might be defeated if it stood alone while it would have a much better chance of passage if it were in the general bill.

President Kennedy stood firm on his proposals for aid to public schools only, despite widespread Catholic criticism. He stated that if Congress wanted to consider aid for parochial schools this should certainly be in a separate bill because it was a separate matter. He said too, that he believed the loan proposal was unconstitutional.

*The New York Times* of March 19 described a massive nation-wide campaign originating at the headquarters of the National Catholic Welfare Conference. Its purpose: to put pressure on Congressmen to vote for loans for parochial school construction. Full page ads costing many thousands of dollars were inserted in large metropolitan dailies presenting the Roman Catholic point of view.

Roman Catholic lobbyists in Washington button-holed Congressmen in a concerted, aggressive effort to force their bill through. The fearful threat of Catholic reprisals hung like Damocles' blade over the head of every legislator who stood firm against the sectarian drive. One representative who publicly stated his opposition to public funds for parochial schools received forty telegrams the next day from his home district, all denouncing him. He did not receive one message supporting his position. The well organized minority seemed to be out-gunning the unorganized majority.

As we go to press, the outcome is in doubt, but most political analysts believe that all loans and grants to sectarian schools at the elementary level will be defeated whether they are attached to the administration's bill or submitted independently.

## "Not 'Til Six" Hospital Policy Is Challenged by Ministers

An unofficial policy at General Hospital, a public institution in Louisville, Ky., which insists that a woman have six babies before a sterilization operation is permitted, has been challenged by the ministerial association there. (Louisville has a large Roman Catholic population) Also under question was the hospital's policy of flatly refusing to permit Planned Parenthood representatives to supply birth control information to those requesting it.

Appearing before the local ministerial group, Mrs. Charles Tachau, executive director of Planned Parenthood, asked: "What are the morals of waiting for a girl to have six or seven children and then performing sterilization as against giving her an opportunity to space her children?"

Protestant chaplain Rev. John H. Boyle conceded that "because of anticipated opposition from Roman Catholic clergymen, it has been decided that it was not advisable for Planned Parenthood workers to come to the prenatal clinic to talk to non-Catholic patients."

The ministers endorsed the work of Planned Parenthood and set up a committee to look into the policies at General Hospital.

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## Vermont Decision

(Continued from page 1)

federal legislation" unless the Supreme Court reviews the decision.

The unanimous decision opposing tuition payments to Catholic high schools will probably be supported by Vermont's attorney general. The United States Supreme Court is not obliged to review the Vermont decision, and most observers predict that it will refuse the case because the Vermont Supreme Court covered all constitutional issues so ably.

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